CLOSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

United States of America

v.

Benigno Aguilar-Salazar

Citizen of Mexico

USM#: 74149208 DOB: 1976

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

No. 08-15132-001M-SD

Juan Rocha (AFPD)
Attorney for Defendant

ICE#: A88 671 006

THE DEFENDANT ENTERED A PLEA OF guilty on 1/22/2008 to Count ONE of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count ONE of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of SEVENTY-FIVE (75) DAYS on Count ONE, with credit for time served.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: $Remitted **FINE:** $ **RESTITUTION:** $

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than $25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of $Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count ONE of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

Date of Imposition of Sentence: **Tuesday, January 22, 2008**

____ Date 1/22/2008

JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this Judgment as follows:____

Defendant delivered on ____________ to ________________________ at ____________________________, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

_______________________________ By:_______________________________

United States Marshal Deputy Marshal

08-15132-001M-SD -

UNITED STATES DISTRICT COURT **MAGISTRATE JUDGE'S MINUTES**
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

DATE: 1/22/2008 CASE NUMBER: 08-15132-001M-SD

PLEA/SENTENCING MINUTES
USA vs. Benigno Aguilar-Salazar

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK
U.S. Attorney ______ INTERPRETER REQ'D Marcia Resler
LANGUAGE: Spanish
Attorney for Defendant Juan Rocha (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 1/18/08 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:

☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at $______
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset
Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed ______ ☐ Complaint filed ______
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts ONE
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) ONE of the ☐ Information ☐ Indictment ☒ Complaint
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because ______
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to __ before ______
☐ To be dismissed upon entry of the judgment, Ct(s) ____
☒ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:
☒ Defendant committed to Bureau of Prisons for a period of SEVENTY-FIVE (75) DAYS ☐ Probation/Supervised Release for ______
☒ Special Assessment $ REMITTED ☐ Fine $______ ☐ Restitution $______
Other: ______

RECORDED: CS
BY: Jocelyn M. Arviso, Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.
Benigno AGUILAR-Salazar
Citizen of Mexico
YOB: 1976
A88 671 006
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08-15132M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about January 18, 2008, near Andrade, California in the Southern District of California, Defendant Benigno AGUILAR-Salazar, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Signature of Complainant
Alfredo Prieto
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

January 22, 2008 at Yuma, Arizona
Date City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Benigno AGUILAR-Salazar

Dependents: None

IMMIGRATION HISTORY: The Defendant is an illegal alien and has one prior arrest by Border Patrol.

CRIMINAL HISTORY:

DATE	**LOCATION**	**OFFENSE**	**DISPOSITION**
09/27/97	Volusia County, Florida	Disord conduct, resisting officer arrest with viol	10 days jail
12/7/01	Crescent City, Florida	Nonemoving traffic violation-DWLS	6 Months jail
08/22/03	Putnam County, Florida	Prob violation, kidnap-false imprisonment-adult, nonmoving traffic violation	Dropped/abandoned
10/16/04	Putnam County, Florida	Nonmoving traffic violation while lic susp 1st off	6 months prob, $125 fine
12/31/04	Putnam County, Florida	Flee/elude police-fail to obay LEO order to stop, nonmoving traffic violation while lic susp 3rd or subsq off, marijuana possess	None found
09/8/05	San Bernardino, CA	Vehicle theft	None found
02/19/06	San Bernardino, CA	Evade PO, disregard safety	192 days jail, 36 months probation
05/10/07	San Bernardino, CA	DUI alcohol/drugs W/Priors, Evade PO, disregard safety	Dismissed/furtherance of justice

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. Agents determined that the Defendant is an undocumented National of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant is being presented for prosecution proceedings under "Operation Streamline." The Defendant entered the United States from Mexico through a designated "zero tolerance zone."

The Defendant last entered the United States illegally without inspection near Andrade, California on January 18, 2008.

Charges: 8 USC§1325 (Misdemeanor)

Signature of Complainant

Sworn to before me and subscribed in my presence,

January 22, 2008

Date

Signature of Judicial Officer

Probable Cause Statement

I, Senior Patrol Agent Alfredo Prieto, declare under penalty of perjury, the following is true and correct:

Defendant: Benigno AGUILAR-Salazar

Dependents: None

IMMIGRATION HISTORY: The Defendant is an illegal alien and has one prior arrest by Border Patrol.

CRIMINAL HISTORY:

DATE	LOCATION	OFFENSE	DISPOSITION
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Executed on: January 19, 2008 *Time: 08:41 AM*

Signed: ______________ *Senior Patrol Agent*

Finding of Probable Cause

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of one page(s), I find probable cause to believe that the defendant(s) named therein committed the offense on January 18, 2008 in violation of Title 8, United States Code, Section(s) 1325.

Finding made on: Date January 19th, 2008 *Time* 4:14pm

Signed: ______________ *United States Magistrate Judge*